

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

ANGIE BERRY

PLAINTIFF

v.

CIVIL ACTION NO. 3:22-cv-004-TSL-MTP

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

DEFENDANT

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant University of Mississippi Medical Center (“UMMC”) removes the civil action styled *Angie Berry v. University of Mississippi Medical Center* from the Circuit Court of Hinds County, Mississippi to this Court on the following grounds:

1. Plaintiff Angie Berry filed a Complaint against UMMC in the Circuit Court of Hinds County, Mississippi on October 6, 2021, which was assigned cause number 21-627. The certified state court record, which includes the Complaint, is attached as Exhibit A. Berry served UMMC a copy of the Complaint and Summons on December 9, 2021. (Ex. A).

2. Berry is an adult resident citizen of Hinds, County, Mississippi, who was employed by UMMC in Jackson, Mississippi. *Id.* at ¶¶ 1, 5.

3. UMMC is a hospital organized and existing under the laws of the State of Mississippi, with its principal place of business in Jackson, Mississippi.

4. Berry’s Complaint asserts claims that arise under the laws of the United States and are removable to this Court under 28 U.S.C. §§ 1331 and 1441 without regard to citizenship of the parties or the amount in controversy. Specifically, the Complaint asserts claims under the Family Medical Leave Act, 29 U.S.C. § 2601, *et. seq.*,

and the Americans with Disabilities Act, 42 U.S.C. § 12101, *et. seq.* (Complaint at ¶¶6-21, Ex. A).

5. Because Berry seeks relief under the FMLA and ADA, the Court has original jurisdiction over those claims under 28 U.S.C. §§ 1331 and 1441 and supplemental jurisdiction over any state claims that may arise under 28 U.S.C. § 1367.

6. This Notice is filed timely under 28 U.S.C. § 1446 because UMMC was served less than 30 days ago. Venue is also proper in the United States District Court for the Southern District of Mississippi, Northern Division, because the state court action was filed in that district and division. 28 U.S.C. §§ 1446(a).

7. Copies of all documents served upon UMMC in this action are included in Exhibit A. In addition, a Notice of Filing and a copy of this Notice have been sent to counsel of record and will be filed with the Clerk of Court for the Circuit Court of Hinds County, Mississippi. A copy of the Notice of Filing is attached as Exhibit B.

8. UMMC therefore requests that this action, which is now pending in Hinds County Circuit Court, be removed to this Court and that the Court assume jurisdiction over it.

Dated: January 5, 2022.

Respectfully submitted,

UNIVERSITY OF MISSISSIPPI MEDICAL  
CENTER

By Its Attorneys,

WATKINS & EAGER, PLLC

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Adam Gates

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### **CERTIFICATE OF SERVICE**

I certify that today I served a true copy of the Notice of Removal with the Clerk of the Court using the ECF system.

Dated: January 5, 2022.

s/Adam Gates  
Adam Gates